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# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

### Department of State

United States of America, ☐



Secretary's Office

State of South Dakota ☐



This is to certify that the attached instrument of writing is a true, correct and examined copy of the Bylaws of the South Dakota Libertarian Party in our office as filed March 23, 2012.

IN TESTIMONY WHEREOF, I  
have hereunto set my hand and  
caused to be affixed the Great Seal  
of the state of South Dakota at the  
city of Pierre, the capital, this day  
August 26, 2014.



Jason M. Gant  
Secretary of State

EXHIBIT

tabbles

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LITHO IN U.S.A.

PO Box 875  
Martin, SD 67661  
21 March 2012

Office of the Secretary of State  
Attn Election Department  
500 East Capitol Avenue  
Suite 204  
Pierre, SD 57501

RECEIVED

MAR 23 2012

S.D. SEC. OF STATE

The attached bylaws are the current bylaws of the South Dakota Libertarian Party, and were approved 21 March 2012. As Chair I certify that they are the current official bylaws of the Party, and have been properly approved.

The list of officers attached lists the current officers of the party. There is an officer listed for each of the six (6) positions on the SDLP Executive Committee described in the bylaws.

Sincerely yours



Samuel Spence Saunders  
Chair, SDLP

## Bylaws of South Dakota Libertarian Party

March 21, 2012

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Bylaws South Dakota Libertarian Party

## ARTICLE I NAME AND PURPOSE

These bylaws shall govern the South Dakota Libertarian Party, a political party organized under the laws of South Dakota. Throughout these bylaws, the terms "party" and "SDLP" may be used interchangeably, referring to the same entity. Other equivalent names include Libertarian Party of South Dakota and LPSD. The purpose of the SDLP is to promote libertarian solutions to contemporary problems through the political process.

## ARTICLE II MEMBERS

Section 1. Anyone who is registered in South Dakota as a Libertarian or who is a member of the U.S. National Libertarian Party is eligible to become a voting member upon payment of membership fees.

Section 2. Membership fees for the following year shall be set by the Executive Committee ("ExCom") no less than three (3) months after the annual meeting, to become effective upon official notification of membership. Membership shall run for twelve (12) months following payment of dues. Dues may be paid in part by providing service/labor at a rate approved by the ExCom. Until the first annual meeting under these bylaws the dues shall be five (5) dollars per year.

Section 3. Dues will be paid current no less than one (1) hour before the beginning of the annual party meeting.

Section 4. Members must be present at meetings to vote, or provide written proxies.

## ARTICLE III OFFICERS AND EXECUTIVE COMMITTEE

Section 1. Officers. Members filling the positions of officers must be current paid members of SDLP and reside in South Dakota. The

following positions shall be filled by election during the annual party meeting: Chair, Vice-Chair, Membership Director, Treasurer.

**Section 2. Duties of officers.**

**Chair.** The Chair or a member of the ExCom designated by the Chair shall conduct all meetings of the SDLP and the ExCom. The Chair or the Chair's designee shall be one of the SDLP delegates to the National Libertarian Party convention. The Chair has authority to speak on behalf of SDLP for all public relations activities and other duties assigned by the ExCom.

**Vice-Chair.** The Vice-Chair shall be chief assistant to the Chair holding such executive powers as the chair shall delegate, and shall perform such duties as shall be assigned by the Chair or ExCom. The Vice-Chair shall make an annual report to the ExCom. The Vice-Chair shall perform or make provisions for performance of any legal assistance the party may require. If the office of Chair becomes vacant, the Vice-Chair shall conduct meetings of the ExCom and the SDLP until the office of chair is filled.

**Membership Director.** The Membership Director shall be responsible for keeping records of party membership. The Membership Director shall be responsible for communicating activities of the ExCom and state meeting to the membership. The Membership Director shall keep minutes and records as needed for recording the activities of the ExCom and meeting, and communicate these to the members.

**Treasurer.** The treasurer shall receive all money paid to the SDLP, and shall deposit the same in such bank or banks as have been designated by the ExCom, and shall disburse said money upon order of the ExCom. Treasurer shall make a complete financial report to the ExCom and at least annual reports to the membership. Treasurer shall perform all duties required of this office by applicable federal and state law.

**Section 3. Executive Committee.** The Executive Committee (ExCom) shall consist of four (4) duly elected officers, plus two (2) members at large. Members elected to the ExCom must be members in good standing of the SDLP. Newly elected members of the ExCom shall serve as ex officio until their terms become effective at the beginning of the following calendar year, unless immediate assumption of their duties is approved by the annual meeting or the ExCom.



**Section 4: Standing and Ad Hoc Committees.** The ExCom shall have the power to appoint committees. It may create and dissolve committees at any meeting of the ExCom by majority vote.

**Section 5: Meetings.** The ExCom shall meet at least quarterly at such times and places as may be determined by the action of the committee, by call of the Chair, or by written request of at least two (2) members of the ExCom. It may meet more frequently as necessary and per request of one-third (1/3) of the members. Either a written, telephone, or e-mail notice shall be given at least fourteen (14) days before a meeting. The ExCom may transact business by mail, telephone, or electronic media. The ExCom shall be prohibited from conducting any closed-door meetings and shall not disallow any Party member in good standing from attending meetings.

**Section 6: Quorum.** A quorum is present when two-thirds (2/3) of the membership of a committee is present.

**Section 7: Voting.** A majority vote of those present at a meeting shall rule. In the event of a tie, the proposed action, business, or resolution fails.

**Section 8: Terms of Office.** Terms of office for the officers and ExCom shall be one (1) year. A member may serve unlimited consecutive terms of office.

## ARTICLE IV CONVENTIONS AND MEETINGS

**Section 1: Annual Convention and Party Meeting.** The annual meeting shall be held at a date, time, and place determined by the ExCom with the provision that the dates should normally be during the period between 1 June and 31 August.

**Section 2. Notice of Convention.** Notices of the Convention will be mailed to all registered SDLP members, and other registered Libertarians in South Dakota (when such names and addresses are known) at least fourteen (14) days prior to the convention date. /such notice shall include the date, time, place, and any proposed actions to be taken by the membership. In addition, press releases of notice of the annual convention shall be submitted to major newspapers in at least

Aberdeen, Pierre, Rapid City, and Sioux Falls, at least fourteen (14) days in advance of the annual convention.

**Section 3. Special Membership Meetings.** A special meeting of the members may be called as determined by the ExCom following the same procedures as Section 2 above.

## ARTICLE V NOMINATIONS AND ELECTIONS

**Section 1. Eligibility.** To be eligible for any Party office, a candidate must be a member in good standing of the Party and must reside in South Dakota.

**Section 2. Nominations and Elections of Officers and Executive Committee.** Nominations shall be made by Party members. The names of all nominees, in order nominated, shall be clearly posted during the Party meeting and immediately prior to voting. In the event only one (1) nomination is made, the Chair shall request a voice acclamation of the nominee from the members present to confirm the acceptance of the nominee. If there are two (2) or more nominations, a secret ballot shall be cast by members. Two members shall be appointed by the Chair to tally the votes. Any member may inspect the ballots cast and bring discrepancies to the attention of the convention.

**Section 3. Endorsement of Political Office Seekers.** The members shall endorse Libertarian candidates that have obtained a majority vote from the primary election. In the event no primary election was required (only one (1) candidate ran for the office on the primary ballot), the Chair shall request a voice acclamation from the members. Primary election voters shall include any registered Libertarian, Independent, and other unaffiliated voters.

**Section 5. Vacancies in Positions of Officers and Executive Committee.** In the event of a vacancy in the office of Chair, the ExCom shall select a member of the ExCom to serve as Chair. In the event of a vacancy in the position of any other officer or member of the ExCom, the ExCom shall, within sixty (60) days of notification of said vacancy, choose, by majority vote, a qualified and consenting member of the SDLP to serve the remaining term of office in said position.



**Section 6. Majority Rule.** In any Party or ExCom election, the members always have the right to vote for "NONE OF THE ABOVE". If "NONE OF THE ABOVE" wins a majority of the votes cast, nominations will be reopened. The office may be filled by reopening nominations and holding another vote.

**Section 7. National Libertarian Party Convention Delegates.** At the Party Convention prior to the National Libertarian Party Convention, the members shall nominate members to serve as state co-delegates with the Chair or the Chair's designate. Nomination and election procedures shall be as for Party Officers and ExCom. Vacant delegate positions may be filled by appointment by ExCom. Delegates to the National Convention shall vote on the first ballot for the presidential candidate who received the most votes in the South Dakota Libertarian primary election. Delegates shall continue to vote for that candidate through subsequent ballots, until released by that candidate, or until delegates agree that to continue to vote for that candidate would be counterproductive and/or would threaten party unity. If no Libertarian candidate for President of the United States qualifies for the primary ballot in South Dakota, delegates to the National Convention may vote their consciences with respect to nomination of a national candidate.

## ARTICLE VI FINANCE AND ACCOUNTING

**Section 1. Budget and Membership.** The budget and membership shall run concurrently and begin 1 January and end 31 December each year.

**Section 2. Disbursements.** All disbursements shall be made by check from a checking account authorized by the ExCom.

**Section 3. Borrowing.** The SDLP may not borrow funds without unanimous concurrence of all members of the ExCom.



## ARTICLE VII BYLAWS AMENDMENT

**Section 1. Required Vote.** The bylaws of the SDLP may be added to, changed, amended, replaced, or revoked by seventy-five (75) percent of the members present at any membership meeting of the SDLP or any special membership meeting of the SDLP.

**Section 2. Notification.** Recommended additions, changes, amendments, replacements, and revocations shall be inserted in the notice of the convention or meeting given to each member (Article IV, "Meetings").

## ARTICLE VIII MISCELLANEOUS

**Section 1. Record keeping.** The SDLP shall keep complete books and records. Written minutes of ExCom and member's meetings shall be preserved.

**Section 2. Annual Report.** The Treasurer shall prepare an annual financial report for distribution to the membership during the annual meeting. The Treasurer shall also prepare required reports for the State of South Dakota, to be signed by the Chair.

**Section 3. Emergency Meetings.** In case of an emergency action, the ExCom may hold a meeting with a twenty-four (24) hour notice by the most feasible means possible to include telephone, radio, or other electronic communication.

**Section 4. Parliamentary Authority.** Robert's Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedures not specifically covered in the bylaws or rules of the Party.

**Section 5. Malfeasance Removal from Office of Officers or Executive Committee Members.** Only in the event of an accusation by a SDLP member of malfeasance or conviction of the commission of a felony on the part of any officer or member of the ExCom, the remaining officers and members of ExCom shall meet within fourteen (14) days, by personal or electronic means, to hear evidence and to make a decision as to whether to remove the accused from office. A majority vote of the non-accused officers and members of the ExCom shall be necessary to remove any accused member of the ExCom.

The accused shall have the opportunity to present witnesses and a defense, and shall have the right to be present at all deliberations, and shall have the right to witness a non-secret vote on the removal question. "Malfeasance" shall be defined a significant dereliction of duty, significant violation of the bylaws of the SDLP, or stealing from the SDLP.

Section 6. Local Affiliates. SDLP members may, within a given jurisdiction (legislative district, county, municipality, precinct, or ward), organize a local affiliate, with at least three (3) SDLP members. The affiliate may select an appropriate name and submit a proposal (including bylaws) to the ExCom, and is recognized by the party upon approval of the proposal by the ExCom. An affiliate continues to be recognized as long as it shall annually report in writing or verbally to the ExCom or Annual State Convention. Jurisdictions with less than three (3) SDLP members may be recognized by the ExCom as a provisional affiliate, upon application.

## ARTICLE IX EFFECTIVE DATE

These bylaws become effective immediately upon approval by the membership.

## ARTICLE X COUNTY/MUNICIPALITY/PRECINCT COMMITTEES

Section 1. SDLP members and registered Libertarians may in each precinct organize a precinct committee consisting, at minimum, of a chairman and chairwoman, and up to five members or ten (10) percent of the local registered Libertarian voters, whichever is greater.

Section 2. The precinct committee chairman and chairwoman shall be elected as provided by SDCL 12-5. Remaining members of the committee shall be elected in open meeting of the Libertarian Party voting members of the precinct.

Section 3. Each precinct committee shall function as the local affiliate for its precinct, as provided in ARTICLE VIII Section 6, regardless of the number of SDLP members in the precinct.

Section 4. The precinct committee shall act as the local point of contact for all local government agencies, shall coordinate party activities in the precinct, and shall perform such duties as determined by the ExCom and the precinct committee.

Section 5. Two (2) or more precinct committees may organize and elect a municipality and/or county central committee, with approval of the ExCom or the Annual State Convention, which shall be organized in like manner as, and have the same responsibilities as, the precinct committee.

These bylaws were approved 21 March 2012.



## SDLP Officers

March 21, 2012

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